

WST93AUSA

REMARKS/ARGUMENTS

After entry of this amendment, claims 3-9 and 44 are pending. Claims 1 and 2 were canceled in an effort to place the application in condition for allowance. Applicant reserves the right to prosecute these claims, and any other canceled or non-elected claims and subject matter, in a divisional or continuation application filed during the pendency of the present application.

Claims 3-9 were amended to place the application in condition for allowance. Support for these amendments is found in the original claims and specification as filed. No new matter is added by these amendments.

Claim 44 is added to recite another embodiment of the invention. Support for this new claim is found in the original claims and specification as filed. No new matter is added by this claim.

Claim Objections

The Examiner has objected to claims 4-6 and has asserted that the same depend from rejected claims 4 and 5, but are otherwise allowable.

Applicant respectfully requests reconsideration and withdrawal of this objection for the following reason.

In an effort to place the application in condition for allowance, Applicant has rewritten claim 5 in independent form. Further, in view of the amendments to claim 3, Applicant asserts that claim 4 is in condition for allowance.

Applicant also agrees that claims 4-6 are not taught or suggested by the prior art. Reconsideration of this objection is requested.

WST93AUSA

35 USC § 102 Rejections

(i) The Examiner has rejected claims 1-2 and 9 under 35 USC § 102(b) over US Patent No. 5,464,935 (Heavner et al.).

The Examiner has asserted that Heavner teaches the peptides of claims 1 and 2.

Applicant respectfully requests reconsideration and withdrawal of this rejection for the following reason.

In an effort to place the application in condition for allowance, Applicant has canceled claims 1 and 2, thereby mooting the outstanding rejection as applied to these claims.

Claim 9 has been amended to depend from claim 3, which is not subject to this rejection. Further, new claim 44 depends from objected claim 5, which also is not subject to this rejection.

Reconsideration and withdrawal of this rejection is requested.

(ii) The Examiner has rejected claims 1-5 and 9 under 35 USC § 102(b) over US Patent No. 5,639,734 (Esko et al.).

The Examiner has asserted Esko teaches glycosides that mimic sialyl Lewis X and pharmaceutical compositions thereto.

Applicant respectfully requests reconsideration and withdrawal of this rejection for the following reason.

In an effort to place the application in condition for allowance, Applicant has canceled claims 1 and 2, thereby mooting the outstanding rejection as applied to these claims.

The specification of the present application defines a peptido-mimetic as “*a peptide or polypeptide* that mimics complex carbohydrate conformations and structures” (emphasis added).¹ For clarity, Applicant has amended the claims by conforming the same to the definition of peptido-mimetic as provided in the specification. Specifically, Applicant has replaced the term “peptido-mimetic” with the phrase “peptide or polypeptide” in the claims.

¹ Page 10, lines 9-10 of the specification.

WST93AUSA

Esko teaches compositions containing oligo-saccharides and di-saccharides, i.e., sugars, for use in treating inflammatory diseases. Esko does not teach compositions containing peptides or polypeptides, and specifically peptides or polypeptides of a carbohydrate ligand of an adhesion molecule, wherein the carbohydrate ligand is a Lewis antigen, as recited in claims 3 and 5. In fact, Esko does not discuss peptides or polypeptides in any form.

The peptides and polypeptides of Applicant's invention are not sugars, do not include oligo- and di-saccharides, and are structurally and biologically different from oligo- and di-saccharides. Therefore, the sugars of Esko are not the same as the peptides and polypeptides of the pending claims.

In view thereof, Esko does not teach claims 3-5 and 9.

Reconsideration and withdrawal of this rejection as against all pending claims is requested.

Information Disclosure Statement

Applicant respectfully requests that the Examiner consider the documents cited in the Information Disclosure Statement (IDS) timely filed on November 30, 2001 by first class mail and entered by the US Patent and Trademark Office on January 2, 2002. Applicant has enclosed a copy of the stamped postcard indicating receipt of the IDS on the same date.

For the Examiner's convenience, Applicant has enclosed a copy of the as-filed IDS and respectfully request consideration of the documents cited in the IDS. Applicant also requests that the Examiner initial and date the PTO/SB/08/A/B forms forwarded with the IDS and provide a copy of the initialed and dated forms to Applicant.

WST93AUSA

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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